

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Midwest Operating Engineers Welfare)	
Fund; Midwest Operating Engineers)	
Pension Trust Fund; Operating Engineers)	
Local 150 Apprenticeship Fund; Local 150)	
IUOE Vacation Savings Plan; Midwest)	
Operating Engineers Retirement)	Case No. 23-cv-1014
Enhancement Fund; Construction Industry)	
Research and Service Trust Fund; and,)	Judge: Martha M. Pacold
International Union of Operating Engineers,)	Magistrate Judge: Jeffrey Cole
Local 150, AFL-CIO,)	
)	
Plaintiffs,)	
)	
v.)	
)	
Johnson Site Work, Inc., an Illinois)	
corporation; and David D. Johnson,)	
an individual,)	
)	
Defendants.)	

JOINT MOTION FOR CONSENT JUDGMENT

Pursuant to an agreement reached between Plaintiffs and Defendants, the parties jointly move the Court to enter a Consent Judgment Order containing the following terms:

Defendants Johnson Site Work, Inc., and David D. Johnson (“Johnson”) do not dispute the Complaint allegations against it or the findings of delinquent fringe benefit and CRF contributions and union dues; and therefore, Johnson agrees to a consent judgment against it.

1. Johnson has breached its contractual obligations under the collective bargaining agreement and trust documents identified in the Complaint.

2. Johnson is liable to the Funds and CRF for the full amount of the breach identified in the Complaint, plus attorneys’ fees and costs.

3. Johnson is liable to the International Union of Operating Engineers, Local 150,

AFL-CIO, for unpaid administrative dues, plus attorneys' fees and costs of this action.

WHEREFORE, the parties jointly request that this Court enter Judgment against Johnson and order Johnson to pay the following delinquent contribution amounts to Plaintiffs:

\$23,026.18 in delinquent fringe benefits, CRF contributions, union dues;
\$3,825.00 in attorneys' fees (Exhibit A);
\$809.80 in costs (Exhibit A);
for a total Consent Judgment amount of \$27,660.98.

Dated: July 11, 2023

Respectfully submitted,

By: /s/ Charles R. Kiser
One of the Attorneys for Plaintiffs

By: /s/ Todd A. Miller
Attorney for Defendant

Attorneys for Plaintiffs:
Dale D. Pierson (*dpierson@local150.org*)
Charles R. Kiser (*ckiser@local150.org*)
Local 150 Legal Department
6140 Joliet Road
Countryside, IL 60525
Ph. 708/579-6663
Fx. 708/588-1647

Charles R. Kiser (*ckiser@local150.org*)
Institute for Worker Welfare, P.C.
6141 Joliet Road
Countryside, IL 60525
Ph. 708/579-6649
Fx. 708/588-1647

Attorney for Defendant:
Todd A. Miller (*tam@alloccomiller.com*)
Megan M. Moore (*mmm@alloccomiller.com*)
Kathleen M. Cahill (*kmc@alloccomiller.com*)
Allocco, Miller & Cahill, P.C.
20 North Wacker Drive, Suite 3517
Chicago, IL 60606
Ph. 312/675-4325
Fx. 312/675-4326

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on July 11, 2023, he electronically filed the foregoing ***Joint Motion for Consent Judgment*** which sent notice to the following:

Todd A. Miller (*tam@alloccomiller.com*)
Megan M. Moore (*mmm@alloccomiller.com*)
Kathleen M. Cahill (*kmc@alloccomiller.com*)
Allocco, Miller & Cahill, P.C.
20 North Wacker Drive, Suite 3517
Chicago, IL 60606
Ph. 312/675-4325
Fx. 312/675-4326

By: /s/ Charles R. Kiser
One of the Attorneys for Plaintiffs

Attorneys for Plaintiffs:
Dale D. Pierson (*dpierson@local150.org*)
Charles R. Kiser (*ckiser@local150.org*)
Local 150 Legal Department
6140 Joliet Road
Countryside, IL 60525
Ph. 708/579-6663
Fx. 708/588-1647

Charles R. Kiser (*ckiser@local150.org*)
Institute for Worker Welfare, P.C.
6141 Joliet Road
Countryside, IL 60525
Ph. 708/579-6649
Fx. 708/588-1647